

Message Text

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44

ACTION EB-07

INFO OCT-01 EUR-12 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

DOTE-00 INR-07 NSAE-00 FAA-00 SP-02 L-03 SCS-03 SCA-01

IO-10 PM-03 /051 W

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P 151545Z JUL 75

FM AMEMBASSY DUBLIN

TO SECSTATE WASHDC PRIORITY 6980

INFO AMEMBASSY LONDON PRIORITY

AMEMBASSY BRUSSELS PRIORITY

AMCONSUL FRANKFURT PRIORITY

LIMITED OFFICIAL USE DUBLIN 1253

FOR FAA

E.O. 11652: N/A

TAGS: EAIR, EI, US

SUBJECT: ALLEGED VIOLATION OF IRISH REGULATIONS BY US REGISTERED
AIRCRAFT

REF: DUBLIN 1240

1. MICHAEL FAHY, OFFICIAL OF CIVIL AIR DIVISION OF DEPARTMENT OF
TRANSPORT AND POWER, INFORMED US JULY 15 THAT MR. MEDLAND, LESSEE
AIRCRAFT DESCRIBED REFTEL, WENT TO COURT TO SEEK INJUNCTION TO
PREVENT GOVERNMENT FROM INTERFERING FURTHER WITH CATTLE AIRLIFT
FROM SHANNON. CIVIL AIR AUTHORITIES ARGUED BEFORE COURT THAT
LEASE WAS BOGUS AND WAS DESIGNED SOLELY TO CIRCUMVENT IRISH CIVIL
AIR REGULATIONS. ARGUMENT BEFORE THE COURT CENTERED ENTIRELY ON
BONA FIDES OF LEASE. JUDGE RULED THAT CIVIL AIR AUTHORITIES HAD
FAILED TO DEMONSTRATE THAT LEASE WAS INDEED BOGUS, AND HE GRANTED
A TWO WEEK TEMPORARY INJUNCTION PREVENTING GOI FROM INTERFERING
WITH AIRLIFT BECAUSE OF LEASE. HE RULED, HOWEVER, THAT AIRCRAFT
MUST COMPLY WITH ALL SAFETY REGULATIONS, AIR TRAFFIC CONTROL RULES,
ETC. JUDGE WILL MAKE DEFINITIVE RULING ON CASE JULY 28. IN
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MEANTIME OPERATORS ARE FREE TO CONTINUE WITH CATTLE AIRLIFT.

2. CIVIL AVIATION DIVISION COUNSEL HAS ADVISED CIVIL AVIATION AGAINST TAKING ANY ACTION DURING INTERIM PERIOD THAT MIGHT BE INTERPRETED AS MALICIOUS OR AS AN ATTEMPT TO CIRCUMVENT THE INJUNCTION. FAHY SAID THAT CIVIL AIR WILL BE CAREFUL NOT TO TAKE ANY ACTION IN MEANTIME BUT THEY WILL AGAIN ARGUE BEFORE THE COURT ON JULY 28 THAT THE LEASE IN QUESTION IS BOGUS. SHANNON AIR TRAFFIC CONTROL WAS DIRECTED EVENING JULY 14 TO REMOVE EMBARGO ON DEPARTURE OF AIRCRAFT AND WAS INSTRUCTED TO PROVIDE ALL NECESSARY FACILITIES. AFTER COURT RULING ON JULY 28, CIVIL AIR AUTHORITIES WILL DECIDE WHETHER TO PROSECUTE CAPTAIN OF AIRCRAFT FOR HAVING TAKEN OFF JULY 3 WITHOUT PROPER CLEARANCE AND IN DEFIANCE OF ATC ORDERS NOT TO TAKE OFF.

3. IF CIVIL AIR AUTHORITIES LOSE CASE ON JULY 28 THEY WILL THEN CONSIDER STEPS TO TIGHTEN UP LAWS AND REGULATIONS TO PREVENT RECURRENCE THIS TYPE OF INCIDENT IN FUTURE.RENDAHL

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Message Attributes

Automatic Decaptoning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LIVESTOCK, TRADE, CIVIL AVIATION, AIRSPACE VIOLATIONS, CONTRACTS
Control Number: n/a
Copy: SINGLE
Draft Date: 15 JUL 1975
Decapton Date: 01 JAN 1960
Decapton Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975DUBLIN01253
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750244-0234
From: DUBLIN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750752/aaaabumi.tel
Line Count: 78
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 75 DUBLIN 1240
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags:
Review Date: 23 APR 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <23 APR 2003 by ShawDG>; APPROVED <24 APR 2003 by GolinoFR>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: ALLEGED VIOLATION OF IRISH REGULATIONS BY US REGISTERED AIRCRAFT
TAGS: EAIR, EI, US, P M LEASING CORP
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006